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ZIPCODE

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**United States Bankruptcy Court** 

**Voluntary Petition District of Montana** Name of Debtor (if individual, enter Last, First, Middle): Incredible Auto Sales LLC Name of Joint Debtor (Spouse) (Last, First, Middle): All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than Last four digits of Soc. Sec. No./Complete EIN or other Tax I.D. No. (if more than one, state all): 81-0500773 one, state all): Street Address of Debtor (No. & Street, City, State & Zip Code): Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 1832 King Auenue West Billings, MT ZIPCODE 59102 County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Yellowstone Mailing Address of Debtor (if different from street address) Mailing Address of Joint Debtor (if different from street address): ZIPCODE 1993-2006 EZ-Filing, Inc. [1-800-998-2424] - Forms Software Only Location of Principal Assets of Business Debtor (if different from street address above): 1832 King Avenue West Billings. MT Type of Debtor (Form of Organization) **Nature of Business** Chapter of Bankruptcy Code Under Which (Check one box.) (Check all applicable boxes.) the Petition is Filed (Check one box) Chapter 11 Chapter 12 Individual (includes Joint Debtors) Health Care Business Chapter 7 Chapter 15 Petition for Recognition ▼ Corporation (includes LLC and LLP) of a Foreign Main Proceeding Single Asset Real Estate as defined Chapter 9 Chapter 12 Partnership in 11 U.S.C. § 101(51B) Chapter 13 Chapter 15 Petition for Recognition Other (If debtor is not one of the Railroad of a Foreign Nonmain Proceeding above entities, check this box and Stockbroker provide the information requested Commodity Broker Nature of Debts (Check one box) Clearing Bank State type of entity: Consumer/Non-Business **▼** Business Nonprofit Organization qualified under 15 U.S.C. § 501(c)(3) Filing Fee (Check one box) Chapter 11 Debtors: Check one box: ▼ Full Filing Fee attached Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Filing Fee to be paid in installments (Applicable to individuals only). Must ▼ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form Check if: Debtor's aggregate noncontingent liquidated debts owed to non-insiders or Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must affiliates are less than \$2 million. attach signed application for the court's consideration. See Official Form 3B. THIS SPACE IS FOR COURT USE ONLY Statistical/Administrative Information Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be

## no funds available for distribution to unsecured creditors. Estimated Number of Creditors 50-100-200-1,000-5,001-10,001-25,001-50,001-1-Over 49 99 10,000 25,000 50,000 100,000 100,000 199 999 5 000 **√** Estimated Assets \$0 to \$50,001 to \$100,001 to \$500,001 to \$1,000,001 to \$10,000,001 to \$50,000,001 to More than \$50,000 \$100,000 \$500,000 \$1 million \$10 million \$50 million \$100 million \$100 million $\checkmark$ Estimated Debts \$0 to \$50,001 to \$100,001 to \$500,001 to \$1,000,001 to \$10,000,001 to \$50,000,001 to More than \$50,000 \$100,000 \$500,000 \$1 million \$10 million \$50 million \$100 million \$100 million П $\checkmark$

FORM B1

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06-60855-RBK Doc#: 1 Filed: 10/17/06 Entered: 10/17/06 12:16:41 Page 2 of 3 (Official Form 1) (10/05) ORM B1, Page 2 Name of Debtor(s): **Voluntary Petition** (This page must be completed and filed in every case) Incredible Auto Sales LLC Prior Bankruptcy Case Filed Within Last 8 Years (If more than one, attach additional sheet) Case Number: Date Filed: Location Where Filed: None Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: None District: Relationship: Judge: Exhibit A Exhibit B (To be completed if debtor is required to file periodic reports (e.g., forms (To be completed if debtor is an individual 10K and 10Q) with the Securities and Exchange Commission pursuant to whose debts are primarily consumer debts) Section 13 or 15(d) of the Securities Exchange Act of 1934 and is I, the attorney for the petitioner named in the foregoing petition, declare requesting relief under chapter 11.) that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have Exhibit A is attached and made a part of this petition. explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by § 342(b) of the Bankruptcy Code. X Signature of Attorney for Debtor(s) Date **Certification Concerning Debt Counseling** Exhibit C Does the debtor own or have possession of any property that poses or is by Individual/Joint Debtor(s) alleged to pose a threat of imminent and identifiable harm to public health or safety? ☐ I/we have received approved budget and credit counseling during the 180-day period preceding the filing of this petition Yes, and Exhibit C is attached and made a part of this petition. ☐ I/we request a waiver of the requirement to obtain budget and credit ▼ No counseling prior to filing based on exigent circumstances. (Must attach certification describing.) **Information Regarding the Debtor (Check the Applicable Boxes)** Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Statement by a Debtor Who Resides as a Tenant of Residential Property Check all applicable boxes. Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord or lessor that obtained judgment) (Address of landlord or lessor) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing

of the petition.

06-60855-RBK Doc#: 1 Filed: 10/17/06 Entered: 10/17/06 12:16:41 Page 3 of 3 (Official Form 1) (10/05) FORM B1, Page 3 Name of Debtor(s): **Voluntary Petition** 

## (This page must be completed and filed in every case) Incredible Auto Sales LLC **Signatures** Signature(s) of Debtor(s) (Individual/Joint) Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this I declare under penalty of perjury that the information provided in this petition is true and correct. petition is true and correct, that I am the foreign representative of a debtor [If petitioner is an individual whose debts are primarily consumer debts in a foreign main proceeding, and that I am authorized to file this petition. and has chosen to file under Chapter 7] I am aware that I may proceed A certified copy of the order granting recognition is attached. under chapter 7, 11, 12 or 13 of title 11, United State Code, understand (Check one box only) the relief available under each such chapter, and choose to proceed under ☐ I request relief in accordance with chapter 15 of title 11, United chapter 7. States Code. Certified copies of the documents required by § 1515 of [If no attorney represents me and no bankruptcy petition preparer signs title 11 are attached. the petition] I have obtained and read the notice required by § 342(b) of Pursuant to § 1511 of title 11, United States Code, I request relief in the Bankruptcy Code. accordance with the chapter of title 11 specified in this petition. A I request relief in accordance with the chapter of title 11, United States certified copy of the order granting recognition of the foreign main Code, specified in this petition. proceeding is attached. X Signature of Debtor Signature of Foreign Representative Х Signature of Joint Debtor Printed Name of Foreign Representative (406) 698-4717 Telephone Number (If not represented by attorney) Date Signature of Attorney **Signature of Non-Attorney Petition Preparer** X /s/ Clarke B. Rice Signature of Attorney for Debtor(s) Clarke B. Rice 1289 Printed Name of Attorney for Debtor(s) Clarke B. Rice Clarke B. Rice PC Firm Name 2951 King Avenue West section. Official Form 19B is attached. Address Billings, MT 50102 Printed Name and title, if any, of Bankruptcy Petition Preparer (406) 254-2500

Telephone Number

October 17, 2006

Date

## Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/R. Nick Gutierrez Signature of Authorized Individual R. Nick Gutierrez Printed Name of Authorized Individual President

Title of Authorized Individual

October 17, 2006

Date

I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110 setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that

Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

Χ

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.